



ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ

ಅಧಿಕೃತವಾಗಿ ಪ್ರಕಟಿಸಲಾದುದು

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ರಾಜ್ಯದ ವಿಧೇಯಕಗಳ ಮತ್ತು ಅವುಗಳ ಮೇಲೆ ಪರಿಶೀಲನಾ ಸಮಿತಿಯ ವರದಿಗಳು, ರಾಜ್ಯದ ಅಧಿನಿಯಮಗಳು ಮತ್ತು ಆಧ್ಯಾದೇಶಗಳು, ಕೇಂದ್ರದ ಮತ್ತು ರಾಜ್ಯದ ಶಾಸನಗಳ ಮೇರೆಗೆ ರಾಜ್ಯ ಸರ್ಕಾರವು ಹೊರಡಿಸಿದ ಸಾಮಾನ್ಯ ಶಾಸನಬದ್ಧ ನಿಯಮಗಳು ಮತ್ತು ರಾಜ್ಯಾಂಗದ ಮೇರೆಗೆ ರಾಜ್ಯಪಾಲರು ಮಾಡಿದ ನಿಯಮಗಳು ಹಾಗೂ ಕರ್ನಾಟಕ ಉಚ್ಚ ನ್ಯಾಯಾಲಯವು ಮಾಡಿದ ನಿಯಮಗಳು

GOVERNMENT OF KARNATAKA

No.HD 284 PRA 2018.

Karnataka Government Secretariat,
Vidhana Soudha,
Bengaluru Dated: 01.06.2022

NOTIFICATION

The draft of the Karnataka Prison Development Board Rules, 2022 which the Government of Karnataka proposes to make in exercise of the powers conferred by section 19 of the Karnataka Prison Development Board Act, 2021 (Karnataka Act NO. 34 of 2021) is hereby published as required by sub-section (1) of the said section for information of all the persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration after fifteen days from the date of its publication in the Official Gazette.

Any objection or suggestion which may be received by the State Government from any person with respect to said draft before the expiry of the period specified above, will be considered by the State Government. Objections and suggestions may be addressed to the Principal Secretary to Government, Home Department (PCAS), Vidhana Soudha, Bengaluru – 560 001.

(ಬಿಲ್ಡರ್)

DRAFT RULES

1. Title and commencement.-(1) These Rules may be called the Karnataka Prison Development Board Rules, 2022.

(2) They shall come into force from the date of their final publication in the official Gazette.

2. Definitions.-(1) In these rules, unless the context otherwise requires;

(a) '**Act**' means the Karnataka Prison Development Board Act, 2021 (Karnataka Act No. 34 of 2021);

(b) '**Board**' means the Karnataka Prison Development Board constituted under section 3 of the Act and

(c) "**Government**" means the State Government.

(2) The words and expressions used in these rules but not defined shall have the same meaning as assigned to them in the Act. In the absence of such words and expressions defined in the Act, their meaning shall be as decided by the Board from time to time.

3. Meeting of the Board.-(1) The meetings of the Board shall be convened by the Member Secretary with the approval of the Chairperson.

(2) The Board shall ordinarily meet at such time and place as the Chairperson may decide.

(3) The Member Secretary with the approval of the Chairperson shall give to every member, notice for the meeting in writing to be served by hand or by post or by any electronic means.

(4) An urgent meeting of the Board can be convened by the Member Secretary with the consent of the Chairperson at any time for the transaction of urgent business.

(5) The Member Secretary shall issue an agenda specifying the items of business to be brought before the meeting.

(6) The Chairperson of the Board shall preside over the Board meetings. In the absence of Chairperson, the Vice-Chairperson shall preside over the Board meetings. In the

absence of both the Chairperson and Vice- Chairperson, any member chosen by the members themselves shall preside over the Board meetings.

(7) The Member Secretary of the Board may bring before the Board meeting any subject which is urgent in nature without placing the same as agenda.

(8) All matters at the meeting of the Board shall be determined by the majority of the members present and voting. In case of a tie, the Chairperson or the presiding member shall exercise the casting vote.

4. Quorum for the meeting.- The quorum for the Board meeting shall be one-third of the total members of the Board present either in person or through their representative or by any other means as approved by the Chairperson or Presiding Member of the Board meeting.

5. Proceedings of the meetings.-(1) The proceedings of every meeting of the Board shall be recorded and compiled by an officer of the Board as directed by the Member-Secretary.

(2) Copy of the minutes of the meeting after approval of the Chairperson shall be sent to the Government.

(3) On matters relating to conduct of business at the meeting which have not been expressly provided for in these rules, the decision of the Chairperson shall be final.

6. Honoraria and allowances.- (1) Experts invited to the meetings of the Board, as well as consultants engaged for a specific task, shall be given honoraria, travelling and daily allowances as decided by the Board from time to time.

(2) Members of the Board and officers and staff working for the Board shall be entitled to draw such conveyance, travelling and daily allowances as per their entitlement for all the journeys performed for the purpose of the Board.

(3) No journey shall be performed by any officer of the Board outside the State without prior approval of the Member Secretary.

7. Commissioner of the Board.-The Director General of Prisons who is the Member-Secretary of the Board shall be the Ex-Officio Commissioner of the Board. He shall be the

Chief Controlling Authority of the Board in all matters connected with administration of the Board and for carrying out objectives of the Act.

8. Functions of the Commissioner.-The Commissioner shall exercise such powers and discharge such duties as required for carrying out objectives of the Act and in all matters connected with the administration of the Board. More specific functions of the Commissioner shall be as follows:

- (1) To convene regular and special meetings of the Board and to conduct business of the Board;
- (2) To prepare agenda for the Board meeting and place it before the Board;
- (3) To implement the decisions and resolutions of the Board;
- (4) To co-ordinate, supervise and control work of the Officers and Staff of the Board;
- (5) To cause presentation of important papers and matters relating to policy before the Board;
- (6) To cause maintenance of account for receipt and expenditure of the Board;
- (7) To cause presentation of annual report of the working of the Board for approval and submission of the report as approved by the Board to the Government;
- (8) To cause preparation of annual budget estimates and supplementary budget estimates for presentation before the Board;
- (9) To submit to government all reports and annual returns and necessary documents required under the Act;
- (10) To hold in custody such properties belonging to the Board, both movable and immovable, which are necessary for the purpose of meeting any of the objects and functions of the Board and for carrying out objectives of the Act;
- (11) To lease, sell, exchange or otherwise transfer any property excluding immovable property held by the Board on the orders of the Board;
- (12) To implement the orders of the Board regarding purchase or lease or tenancy of any land or building or furniture or fixtures or vehicles or equipment or

tools or any related items appurtenant to the aforementioned, necessary for the purpose of carrying on the Board's operations and objectives of the Act;

- (13) To authorize disposal of old unserviceable articles, furniture, fixtures, vehicles, equipment, tools or any related items and other stores of scrap value;
- (14) To ensure that the accounts are subjected to an annual audit;
- (15) To act as the appointing and disciplinary authority for all officers or officials of the Board and to cause imposition of any punishment, including dismissal or removal from service, to all officers or officials of the Board;
- (16) To undertake projects for the welfare of prisoners and prison staff, commercial or developmental activities or any other activities required in furtherance of the objectives of the Act;
- (17) To delegate any administrative or financial powers and duties vested in him to the officers subordinate to him; and
- (18) Any other functions and duties delegated by the Board from time to time.

9. Other officers of the Board.- (1) To carry out functions of the Board, IGPS or DIGPs or Superintendents of Police and DIGS or Chief Superintendents or Superintendents of Prisons working at the Prison Headquarters may be appointed as ex-officio Additional Commissioners or Deputy Commissioners or Assistant Commissioners of the Board by the Director General of Prisons and ex-officio Commissioner of the Board.

(2) To carry out functions of the Board, DIGS, Chief Superintendents or Superintendents or Assistant Superintendents or Jailors working in the field in the prison department in the State may be appointed as the Chief General Managers or General Managers or Deputy General Managers or Assistant General Managers or Managers of the Board by the Director General of Prisons and ex-officio Commissioner of the Board.

(3) To carry out functions of the Board, Prison officers in the sub-ordinate ranks as well as in the rank of Accounts Officers, Administrative Officers, Asst. Administrative Officers and all other ranks working in the prison department may be appointed ex-officio as

officers and staff of the Board by the Director General of Prisons and ex-officio Commissioner of the Board,

(4) To carry out functions of the Board, on the recommendation of the Member Secretary, Board may approve taking officers on deputation from other departments and organizations of the government initially for a period of 3 years which can be extended from time to time on yearly basis. Service conditions and salaries of officers on deputation to the Board shall be decided by the Board in conformity with the government rules.

(5) To carry out functions of the Board, on the recommendations of the Member Secretary, Board may take on contract such personnel as required, initially for a period of one year, which can be extended further from time to time on yearly basis. Service conditions and salaries of such contractual employees to the Board shall be decided by the Board in conformity with the government rules.

(6) If performance of any officer or employee on deputation or on contract are found unsatisfactory, such deputation or contract can be cancelled at any time by the Commissioner, who shall record the reasons for the same in writing.

10. Prisons Development Fund.- (1) All moneys received by the Board shall be deposited in any of the nationalized scheduled banks in the name of 'Karnataka Prisons Development Fund'.

(2) The accounts of the 'Karnataka Prisons Development Fund' shall be operated by the Commissioner. Accounts officers of the Board shall be responsible for preparing the statement of accounts and for placing the same before the Board.

(3) The Commissioner is authorized to draw and incur an expenditure of up-to Rupees Ten Lakhs at a time on all transactions relating to development and welfare schemes of the Board and in furtherance of the objectives of the Act. The accounts of such expenditure shall be placed before the Board from time to time for its ratification.

(4) In case of urgent matters, where the expenditure exceeds Rupees Ten Lakhs, the Commissioner shall obtain prior approval of the Chairman or in his absence Vice-Chairman of the Board and seek ratification in the next Board meeting.

(5) To meet the day to day contingent expenditure of the Board, an amount of Rupees Two Lakhs shall be kept as permanent advance with the Commissioner which shall be recouped from time to time.

(6) The Commissioner is authorized to give an advance amount up to rupees two lakhs to each Central Prisons and up to one lakh to other Prisons, as working capital, for undertaking commercial and other activities to meet the objectives and functions of the Board.

(7) The Prisons Development Fund shall also be utilized towards meeting:

- (a) All expenses towards conduct of Board meetings, meetings by the Commissioner and other officers of the Board as well as towards maintenance of the Board office;
- (b) All charges payable to the experts and consultants invited to the Board from time to time;
- (c) Salaries, allowances, loans and advances payable to the officers and employees appointed by the Board;
- (d) Travel expenses and allowances payable to the members, officers and staff of the Board;
- (e) Repayment of loans borrowed by the Board;
- (f) Expenditure payable towards cost of acquiring movable and immovable properties, machinery, furniture etc;

- (g) Expenditure payable towards implementation of programs or schemes or welfare programs for prisoners such as education, vocational or skill training, industry and manufacture activities, agriculture, poultry, dairy, fishery and horticulture and such other occupational and commercial activities carried in the Prisons for the development of the Prisoners;
- (h) Expenditure incurred towards renovation, repairs and extension of existing prison buildings both residential and non-residential;
- (i) Expenditure payable towards acquisition of assets whether movable or immovable including modernizing the prison administration such as procurement of computers, information technology and telecommunication equipments, purchase and development of software, communication facilities, gadgets, vehicles, security or surveillance equipment, Video conference equipment or any other professional or technical or security gadgets required from time to time;
- (j) Expenditure payable towards improvement of skills and competency of the Prison officers and employees as well as the welfare of the officers and staff and their family members;
- (k) Charges payable for academic studies and research projects undertaken in the Prisons;
- (l) Fees payable towards auditing of the accounts of the Board;
- (m) Expenses towards holding of conferences, workshops, seminars, symposiums, training programs and study tours of the Prison officials within the country as well as abroad; and
- (n) Any other expenditure incurred as decided by the Board from time to time.

11. Investments by the Board.- The Board may from time to time approve investment of funds in such commercial activities as it would find beneficial to the Prisons and Correctional Services Department on such terms and conditions as it may approve from time to time.

12. Borrowings by the Board.-(1) The Board may borrow with the approval of the Government, any sum or sums on the security of its funds or assets for the purposes specified in the Act.

(2) The Commissioner or an officer authorized by him, on behalf of the Board, shall negotiate with the lending institutions the terms and conditions and all aspects related with the borrowing of funds.

(3) Money borrowed shall not be used for any other purpose than borrowed for, without the previous sanction of the Government.

(4) The Board shall ensure compliance of all guidelines issued by the Government from time to time in this regard.

13. Advance of loans and sanction of grants and subsidies.-(1) The Government may make such grants, advances and loans to the Board on such terms and conditions as the Government may determine from time to time.

(2) Loans, grants and subsidies may be sanctioned by the Board to the Industrial or Production Units of the Prison and for other commercial or non commercial or welfare projects, at rates and on terms and conditions, as approved by it, from time to time.

14. Contracts and Memoranda of Understandings.-(1) For meeting the objectives of the Act and in matters connected with administration of the Board, the Board may undertake activities either directly by itself, or through other party on contract or outsource, or through a partnership agreement with a Government or Semi-Government organization, or through public private partnership mode, or through a joint venture with any entity or institution, or through any other mode like special purpose vehicle etc, on the terms and conditions approved by the Board on project-to-project basis.

(2) The Board may enter into a contract or a Memorandum of Understanding (MoUs) through the Commissioner or an officer so authorized by the Commissioner with any entity, whether Government or semi Government or commercial or non commercial for undertaking activities in pursuance of the objects and functions of the Board.

(3) All such contracts or MoUs shall be placed before the Board in its next meeting for ratification.

(4) Contracts or MoUs made on behalf of the Board shall not be binding on the Board unless they are executed by the Commissioner or by an officer duly authorized by the Commissioner and the seal of the Board affixed thereto,

(5) The Commissioner or any other officer who is duly so authorized by the Commissioner to enter into contracts or to sign MoUs on behalf of the Board shall not be liable personally for any assurance or contracts made on behalf of the Board.

(6) Any liability arising out of such assurance or contract shall be discharged from the funds of the Board.

15. Budget and Accounts.-(1) The Member Secretary shall at a special meeting of the Board every year at appropriate time, lay before the Board for its approval, an estimate to the income and expenditure of the Board for the next financial year in FORM-I.

(2) Every such estimate shall make provision for the due fulfillment of all the liabilities of the Board and for the efficient administration of the Act.

(3) The Board may re-appropriate any amount from one head to another, without approval of the State Government.

16. Supplementary Estimates.-A revised income and expenditure estimate, if any, including all the expenditure not covered in the original budget estimate shall be laid before the Board for its approval at a special meeting as and when required.

17. Submission of Annual reports and returns.-The Board shall submit to the Government an annual report describing the activities of the Board during the year in FORM-II.

18. Tender Procedure.- (1) Tenders system under the Karnataka Transparency in Public Procurement Act, 1999 (Karnataka Act 29 of 2000) and the Karnataka Transparency in Public Procurement Rules, 2000 shall be followed for procuring items.

(2) A Tender Committee or Scrutiny Committee or Accepting Committee shall be constituted by the Commissioner from time to time.

(3) GeM KPPP exemption clause may be applied where ever required for the procurement of items.

(4) For supply of "Prison Products" to various Departments, Boards, Undertakings of the Government, the Board may pass resolutions and submit to the Government to obtain necessary exemptions under the Karnataka Transparency in Public Procurement Act, 1999 (Karnataka Act 29 of 2000) and the Karnataka Transparency in Public Procurement Rules, 2000.

19. Books of account and other records.- The Board shall maintain proper accounts like cashbook, bank-book, journal, ledgers, bills, vouchers and such other records like assets and liabilities as per accounts standard system.

By order and in the name of the
Governor of Karnataka

(B.S. Nagarathnamma)
Deputy Secretary to Government
Home Department
(Crimes, Prisons & Cinema)

FORM-I

(See sub rule (1) of rule 15)

Estimate of Income and Expenditure

(As per Indian Accounting Principles and practices)

Expenditure	Amount	Income	Amount
To Salaries		By Subscriptions	
To Rent		By Donation Received	
To Donations		By Grant Received	
To Stationeries		By Rent Received	
To loss on sale of asset		By Interest Received	
To Depreciation		By Profit on Sale of Assets	
To Surplus		By deficit	
Other expenditure, if any.,		Other Receipts (if any)	

Member Secretary
Karnataka Prisons Development Board

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FORM-II

Annual Report

(See rule 17)

(As Per Indian Accounting Principles and Practices)

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Member Secretary
Karnataka Prisons Development Board

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